

1 STEPHANIE M. HINDS (CABN 154284)
2 Acting United States Attorney

3 HALLIE HOFFMAN (CABN 210020)
4 Chief, Criminal Division

5 LAURA VARTAIN HORN (CABN 258485)
6 NICHOLAS WALSH (CABN 314290)
7 Assistant United States Attorneys

8 450 Golden Gate Avenue, Box 36055
9 San Francisco, California 94102-3495
10 Telephone: (415) 436-7200
11 Laura.Vartain@usdoj.gov
12 Nicholas.Walsh@usdoj.gov

13 NICHOLAS O. HUNTER (DCBN 1022355)
14 STEPHEN MARZEN (NYBN 2007094)
15 Trial Attorneys, National Security Division

16 950 Pennsylvania Ave., NW
17 Washington, DC 20530
18 Tel: (202) 353-3434
19 Fax: (202) 233-2146
20 Nicholas.Hunter@usdoj.gov
21 Stephen.Marzen@usdoj.gov

22 Attorneys for United States of America

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 UNITED STATES OF AMERICA,) CASE NO. 18-465 MMC
27 Plaintiff,) [PROPOSED] ORDER GRANTING MOTION IN
28 v.) LIMINE FOR AN ORDER FINDING EVIDENCE
29 UNITED MICROELECTRONICS) OBTAIN FROM TAIWAN AUTHENTIC
30 CORPORATION, et al.)
31 Defendants.)

32 The United States has moved for an order that evidence seized by law-enforcement authorities in
33 Taiwan is authentic pursuant to provisions in the United Stated Mutual Legal Assistance Agreement with

34 [PROPOSED] ORDER REGARDING AUTHENTICATION OF EVIDENCE FROM TAIWAN
35 18-CR-465 MMC

1 Taiwan¹ and/or pursuant to Federal Rule of evidence 901. The United States seeks an order regarding the
2 authentication of:

- 3 • Forensic images of 24 digital storage devices seized by law enforcement authorities in
4 Taiwan in February 2017, labeled as device numbers 1-24 in the Taiwan seizure
5 certificates, and the forensic image of one storage device containing files Taiwan
6 authorities downloaded from defendant Kenny Wang's Google Drive, labeled as device
7 number 25 in the Taiwan seizure certificates;
- 8 • Files extracted from those digital storage devices and stored on a hard drive called "Hard
9 Drive 48," which is organized with folders corresponding to each seized device; and
- 10 • Chat messages from the LINE messaging application between defendants JT Ho and
11 Kenny Wang extracted from one of Wang's cell phones (device number 1).

12 (collectively, "the Taiwan evidence").

13 Pursuant to its authority under Federal Rule of Evidence 104 to determine preliminary questions
14 of admissibility, the Court hereby ORDERS that:

- 15 • the Taiwan evidence is self-authenticated under the U.S.-Taiwan MLAA;
- 16 • the Certificates with Respect to Seized Items are sufficient admissible evidence from
17 which a jury could conclude that the Taiwan evidence is authentic; and
- 18 • the Certificates with Respect to Seized Items and distinctive characteristics (*i.e.*, contents)
19 of the Taiwan evidence are sufficient admissible evidence from which a jury could
20 conclude that the Taiwan evidence is authentic.

21 IT IS SO ORDERED.

22 DATED:

23
24 HON. MAXINE M. CHESNEY
25 United States Senior District Judge
26

27
28 ¹ U.S.-Taiwan Agreement on Mutual Legal Assistance in Criminal Matters, Mar. 26, 2002, Am.
Inst. In Taiwan – Taipei Econ. & Cultural Representative Office in the U.S., available at
<https://www.ait.org.tw/wp-content/uploads/sites/269/2016/12/20020326-mutual-legal-assistance-agreement.pdf> [hereinafter, "U.S.-Taiwan MLAA"]